Hovsepian v. Apple, Inc.

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ACACIA MEDIA TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re

ACACIA MEDIA TECHNOLOGIES CORPORATION

Case No. 05 CV 01114 JW

PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S DISCLOSURE OF ASSERTED CLAIMS AND PRELIMINARY INFRINGEMENT CONTENTIONS TO TIME WARNER CABLE, INC.

[Patent Local Rule 3-1]

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'992 Patent Claim	Time Warner's Accused Instrumentality
	that indicate the value of the system clock are called the System Clock Reference (SCR) in Program Streams and the Program Clock Reference (PCR) in Transport Streams. It is the presence of this common system clock in the encoder, the timestamps that are created from it, and the recreation of the clock in the decoder and the correct use of the timestamps that provide the facility to synchronize properly the operation of the decoder." Further, the MPEG-2 (ISO/IEC 13818-1:1996(E)) video systems specification indicates on page 49 that the formatted data is formed into data blocks such that a Group of Pictures (GOP) header is created. This header also contains a timestamp. Data blocks having the assigned timestamps are in a sequence of addressable data blocks. The same standards as described above for MPEG-2 are understood by Acacia to apply to MPEG-4 as well. The presence of these timestamps indicates that the information is stored as ordered (e.g., time encoded) data blocks. Items of digital video and/or audio information are assigned an identification code which may be used to identify and/or locate the item of information. Prerecorded compressed, digital video and/or audio information is stored by the content providers or Time Warner on servers prior to transmission. For example, for instrumentality 3(b), an identification code is required by the Society Of Cable Telecommunications Engineers, Inc. (SCTE) specification SCTE 97 2004, "Metadata Requirements for Video-On-Demand in Cable Networks", pg. 5, Req. # OP-5 and is used to track usage of the item and its location: "Metadata must support unique Package ID/ Asset ID Content ID and creation date for each Package/Asset and may support unique ID down to each instance." "Unique ID to track usage of content and where it is located…."
sending a request, by the user to the transmission system, for at least a part of the stored information to be transmitted to the one of the receiving systems at one of the remote location [sic] selected by the user;	In instrumentality nos. 3(b) and 3(d), users send requests to the transmission system for at least a part of the stored information be transmitted to one of the receiving systems at one of the remote locations selected by the user. Using their set top boxes, Time Warner subscribers transmit requests to Time Warner head ends identifying video on demand (VOD) programs to be sent from the Time Warner head end to one of the subscribers' set top boxes (receiving system) at their home. Time Warner subscribers may have more than one outlet in their home for connecting a set top box to the cable network, each outlet being in a different remote location (e.g., living room, bedroom). By selecting a particular outlet for a set top box within their home, the Time Warner subscriber has selected a location (e.g., living room), which is remote from the transmission system.
sending at least a portion of the stored information from the transmission system to the receiving system at the selected remote	In instrumentality nos. 3(b) and 3(d), Time Warner sends at least a portion of the stored information to the receiving system at the selected location. Time Warner sends the requested, stored information (or a portion of the

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VI. WHETHER ACACIA WISHES TO RELY ON THE ASSERTION THAT ITS OWN SYSTEM OR METHOD PRACTICES THE CLAIMED INVENTION (PATENT L.R. 3-1(F))

Acacia does not have its own apparatus, product, device, process, method, act, or other instrumentality which it wishes to assert practices the claimed invention. Acacia therefore does not wish to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention.

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By ______________________

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